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It being impracticable to express in these columns the divergent views of the thousands of members of the American Peace Society, full responsibility for the utterances of this magazine is assumed by the Editor.

THE ASSURANCES OF OUR VICTORY

THE SOCIETY OF NATIONS will live; if not this League of Nations, surely the "solidarity uniting the members of the society of civilized nations." If from time to time we be most ignorant of what we are most assured, this is not true of us as we look now upon the Society of Nations surely struggling once more into being. We know now that a governed world is about to supplant the anarchy of international hate with its unbridled destructions. We now know that the trained intelligence of the world has found its chart and compass again, and that by their aid the ship of Justice is headed on its proper and inevitable course.

The ultimate victory of justice as between nations is assured. Men everywhere, particularly, we may be pardoned for saying, every friend of the American Peace Society, may well rejoice. Facts, not hopes only, come to make our assurance doubly sure. An Advisory Committee, made up of ten of the world's leading jurists, assembled at The Hague, has unanimously agreed upon four things. These four things are:

A.

A draft scheme for the establishment, in addition to the Court of Arbitration organized at The Hague Conventions of 1899 and 1907, and in addition to the special tribunals of arbitration to which States are al-

ways at liberty to submit their disputes for settlement, a *Permanent Court of International Justice*, to which parties shall have direct access.

B.

The *continuation of The Hague Conferences*. The exact wording of their recommendation with reference to this reads:

I. That a new conference of the nations, in continuation of the first two conferences at The Hague, be held as soon as practicable, for the following purposes:

1. To restate the established rules of international law, especially, and in the first instance in the fields affected by the events of the recent war.

2. To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war and the changes in the conditions of international life and intercourse which have followed the war.

3. To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

4. To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

II. That the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare, with such conference or collaboration *inter sese* as they may deem useful, projects for the work of the conference, to be submitted beforehand to the several governments and laid before the conference for its consideration and such action as it may find suitable.

III. That the conference be named Conference for the Promotion and Extension of International Law.

IV. That this conference be followed by further successive conferences at stated intervals, to continue the work left unfinished.

C.

A recommendation that the Council and the Assembly of the League of Nations examine the advisability of establishing in the future also another kind of a *High Court of International Justice*, conceived in these terms:

1. A High Court of International Justice is hereby established.

2. This court shall be composed of one member for each State, to be chosen by the group of delegates of each State represented in the court of arbitration.

3. The High Court of Justice shall be competent to try crimes against international public order and the universal law of nations, which shall be referred to it by the Assembly or by the Council of the League of Nations.

4. The court shall have power to define the nature of the crime, to fix the penalty, and to prescribe the appropriate means of carrying out the judgment. It shall formulate its own rules of procedure.

D.

That the *Academy of International Law* founded at The Hague in 1913, whose operation has, owing to circumstances, been interrupted, shall as soon as possible resume its activity alongside of the Permanent Court of Arbitration and the Permanent Court of International Justice, in the Peace Palace at The Hague.

These are assurances of victory indeed, victory for the constructive peace workers of a century.

THE WORLD'S MOST SIGNIFICANT DOCUMENT

THE MOST notable and significant document before the world today is the recommendation, submitted by the Advisory Committee of Jurists meeting at The Hague from June 16 to July 24, of the proposed Permanent Court of International Justice. We are pleased to print elsewhere in these columns the complete plan. A London correspondent has cabled that able critics in London "regard it as competent in all its details and as representing the most perfect flower from such worthwhile seed as the Treaty of Versailles contained." We are of the opinion that this is not an overstatement of the fact.

Acceptable to All

It will be noted that the project contemplates a real international court of justice to which no informed person can object. If the recommendations of the commission be adopted by the League or otherwise, the members of the court will act as judges in the full sense of the word, administering rules of law accepted by the nations. The court will be always ready and open for cases. Passionless decisions will thus be made possible, in accordance with the known facts and the acknowledged principles of international law, and that irrespective of political policy. The sanction of the court, like the sanction of the Supreme Court of the United States in issues between States, is to be, not shrapnel and poison gas, but rather that sanction of sanctions; namely, the court's own moral worth. Nations submitting their cases to such a court can neither lose vestige of their national sovereignty nor run the risks peculiar to mere diplomatic settlements. The project represents a careful, balanced adjustment of the interests peculiar to the big Powers on the one hand and the little States on the other. It contemplates the creation of nothing out of mere air; it represents the natural evolution of

judicial processes from out a known and creditable past. It makes possible for the States of the world what history has demonstrated to be indispensable; namely, a government of laws and not of men. None versed in the course of justice between States can object to such a tried and established method.

League Must Be Changed

Yet the plan will embarrass the present League of Nations. While the project is the immediate result of the action of the Council of the League of Nations, acting under Article XIV of the Covenant, it is quite inconsonant with that political organ contemplating as it does a superstate backed by an impossible scheme for the physical enforcement of the weak by the strong. We are told that diplomats abroad consider the proposed court as differing essentially from the basic idea underlying the Council of the League of Nations. This it happily does. Undoubtedly the Covenant of the League of Nations will have to be modified to meet the spirit of this proposal. It will be changed. Readers of these columns will discover that it is being changed. Its modification will be acceptable in Downing Street, at the Quai d'Orsay, and at the other capitals. We believe it to be generally recognized among the friends of the Covenant in this country and abroad that Article X of the Covenant, for example, must be expunged, if the League is to survive. Not only Article X, but Articles XI and XVI of the Covenant have been found to be specially impossible of application in concrete cases. They will be changed. It appears that the European friends of the original Covenant are for the most part aware at last that these articles are not only impossible, but that they are in every way needless in any effective international organization—antagonistic, indeed, to the basic principles of peaceable settlement. This has all been inevitable since Mr. Wilson returned from Paris. But the whole situation has been immeasurably relieved by this unanimous agreement of this committee of jurists—triumph that it is in the accommodation of the various schools of international law and practice, and free, as it is, of the complications thrust before us by various articles of the Covenant, ambiguous if not dangerous.

Court Not Dependent on League

It ought not to be necessary utterly to "scrap the League of Nations." But be that as it may, the encouraging fact is that the proposed court is not dependent upon that organization. It is true that the court may come into being upon the action of the Council and the approval of the Assembly of the League of Nations. Its development may follow upon the continuance of those bodies. But these things are not necessarily so;